REMARKS

This Amendment is response to the Advisory Action mailed on December 15, 2005 and the Final Office Action mailed on August 26, 2005, and with the Request for Continuing Examination filed on the date herewith. All objections and rejections are re- spectfully traversed.

Claims 1 to 4 and 9 to 49 are in the application and currently pending

Claims 36 to 49 are added to better claim the invention.

Please enter the 1.116 Amendment filed on November 10, 2005.

At page 3 of the Office Action, mailed on August 26, 2005, claims 1-3 and 9-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Martin et al., US Patent No. 6,765,927, issued July 20, 2004, hereinafter Martin, in view of "Real-Time Stream- ing Protocol", Request for comment 2326, April 1998, hereinafter RFC 2326.

The present invention, as set forth in representative claim 1, comprises in part:

1. An intermediate network device for use within a computer network hav- ing a server configured to provide one or more data streams to a client, each stream having a corresponding bandwidth, the network device com- prising:
   means for determining network traffic characteristics sufficient to identify a stream from the server to the client;
   a packet classification engine for snooping on Real Time Stream- ing Protocol (RTSP) response messages for determining the actual bandwidth of the stream; and

a resource reservation protocol (RSVP) transmitter proxy config-
ured to reserve resources within the computer network on behalf of the
server for allocation to the stream.

In the Advisory Action, the Examiner states at lines 4-7:

"If the Applicant maintains that the bandwidth information provided in
RTSP packets is merely an estimation (as asserted by Applicant in the re-
sponse filed 11/10/2005) then a 112 1st paragraph rejection would be ap-
propriate since, using Applicant's rationale, Applicant's invention would
also fail to determine the actual bandwidth as such information is not pre-
sent in the snooped RTSP messages."

Applicant respectfully notes that the claimed invention determines the actual

bandwidth by snooping RTSP response messages. In snooping the RTSP response mes-

sage in Applicant's Fig. 5B, Applicant determines the actual bandwidth by reading pa-

rameter "b" (Referenced by 514), which states the bandwidth requirement. Specifically,

the bandwidth is always found in the RTSP Describe Response Message. This bandwidth

is then used for the entire stream. In contrast, RFC 2326 defines the Bandwidth header as

optional. (Section 12). There is no requirement in the RFC 2326 that the bandwidth be

listed in a response message. Additionally, Martin only describes reading the Tspec,

which describes the flow of resources that should be reserved. (Col. 5, lines 24-25).

Additionally, Martin reads the headers from a streaming data, and not a Response

message. The streaming data is read from the client, whereas, Applicant reads a RTSP

response message from the server.

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Furthermore, even if Martin and RFC 2326 are combined, they would not teach Applicant's claimed invention. Combining Martin and RFC 2326 would only teach of sending an RSVP message with an optional field which may, but is not required to, contain a Tspec bandwidth because the bandwidth is optional in RFC 2326 .

Moreover, Martin and RFC 2326 teach away from Applicant's claimed invention. RFC 2326 states the bandwidth is optional, whereas, Applicant's invention requires the bandwidth to be part of the RTSP response message to determine the required bandwidth. Additionally, Martin teaches away by only intercepting streaming messages from the client. In sharp contrast, the intermediate network device is receiving a message from the server and reading for the message body for the bandwidth and other parameters.

Applicant respectfully urges that the Martin patent and RFC 2326 either taken singly or taken in combination are legally precluded from rendering the presently claimed invention obvious under 35 U.S.C. §103 because of the absence in each of the cited patents of Applicant's claimed novel *a packet classification engine for snooping on Real Time Streaming Protocol (RTSP) response messages for determining the actual bandwidth of the stream.*

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

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